



General Assembly

January Session, 2017

Amendment

LCO No. 7780



Offered by:
SEN. LINARES, 33rd Dist.

To: Subst. Senate Bill No. 948

File No. 375

Cal. No. 199

***"AN ACT CONCERNING DIGITAL DISCOUNTS TO REDUCE THE
COST OF TEXTBOOKS AND OTHER EDUCATIONAL
RESOURCES."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2018*) The Office of Higher
4 Education and the constituent units of the state system of higher
5 education, as defined in section 10a-1 of the general statutes, may each
6 establish guidelines that encourage institutions of higher education in
7 this state to implement programs that reduce the cost of textbooks and
8 other educational resources for students.

9 Sec. 2. (NEW) (*Effective July 1, 2017*) (a) For the purposes of this
10 section:

11 (1) "Qualified contract" means a purchase contract entered into (A)
12 pursuant to subsection (a) of section 10a-151b of the general statutes,
13 and (B) by the chief executive officer of a constituent unit of the state

14 system of higher education or the chief executive officer of an
15 institution within the jurisdiction of such a unit;

16 (2) "Purchase contract" means a contract for the purchase of
17 equipment, supplies or contractual services, a personal service
18 agreement, as defined in section 4-212 of the general statutes, or a lease
19 of personal property;

20 (3) "Revenue contract" means a contract entered into by a chief
21 executive officer with another entity where the constituent unit or an
22 institution within the jurisdiction of such a unit is receiving monetary
23 consideration from the other entity;

24 (4) "Nonmonetary contract" means a contract entered into by a chief
25 executive officer with another entity where neither the constituent unit
26 or institution or the other entity provides monetary consideration;

27 (5) "State and certain other institutional funds" means any (A) bonds
28 authorized by the General Assembly, (B) revenue generated from
29 tuition, (C) fees collected from student housing or dining services, (D)
30 revenue generated from athletic sponsorship deals or ticket sales, or
31 (E) fees collected from the clinical operations of The University of
32 Connecticut Health Center and the John Dempsey Hospital; and

33 (6) "Chief executive officer" has the same meaning as provided in
34 section 10a-151b of the general statutes, as amended by this act.

35 (b) The provisions of sections 1-101qq, 4-252 and 4a-81 of the
36 general statutes, as amended by this act, shall not apply to:

37 (1) Any qualified contract entered into or amended on or after July
38 1, 2017, that: (A) Does not involve the expenditure of state and certain
39 other institutional funds, (B) is for the purchase of equipment, supplies
40 or services or the lease of personal property (i) to be used outside of
41 the United States, and (ii) where the other party to the contract is
42 located outside of the United States, or (C) is a collaboration with
43 another entity and involves at least two of the following: (i)

44 Philanthropic support, (ii) sponsored research, (iii) research
45 collaboration, (iv) employment opportunities for students, or (v) some
46 other substantial value to the constituent unit or the state; or

47 (2) Any revenue contract or nonmonetary contract entered into by
48 the chief executive officer that is not a qualified contract.

49 Sec. 3. (NEW) (*Effective July 1, 2017*) (a) (1) On and after July 1, 2017,
50 the Board of Trustees of The University of Connecticut may adopt, and
51 update as necessary, policies relating to the process for entering into or
52 amending a qualified contract, as described in subdivision (1) of
53 subsection (b) of section 2 of this act, provided the board of trustees
54 provides a reasonable opportunity for interested persons to present
55 their views on such policies prior to adoption, and such policies are
56 subject to the provisions of section 4-175 of the general statutes. The
57 board of trustees shall post such policies on its Internet web site.

58 (2) On and after July 1, 2017, the Board of Regents for Higher
59 Education may adopt, and update as necessary, policies relating to the
60 process for entering into or amending a qualified contract, as described
61 in subdivision (1) of subsection (b) of section 2 of this act, provided the
62 board provides a reasonable opportunity for interested persons to
63 present their views on such policies prior to adoption, and such
64 policies are subject to the provisions of section 4-175 of the general
65 statutes. The board shall post such policies on its Internet web site.

66 (3) Nothing in this subsection shall exempt a constituent unit from
67 complying with the provisions of title 4e of the general statutes
68 applicable to constituent units, provided that any policies adopted
69 pursuant to this section shall supersede any regulations of Connecticut
70 state agencies adopted pursuant to section 4e-47 of the general
71 statutes.

72 (b) Not later than January 1, 2018, and annually thereafter, The
73 University of Connecticut and the Board of Regents for Higher
74 Education shall each submit a report, in accordance with the
75 provisions of section 11-4a of the general statutes, to the joint standing

76 committees of the General Assembly having cognizance of matters
77 relating to higher education and government administration. Such
78 report shall include, but need not be limited to, (1) any policies
79 adopted pursuant to this section, (2) a description of any revisions or
80 amendments made in the previous fiscal year to any previously
81 adopted policies, and (3) a description of each contract entered into or
82 amended in the previous fiscal year pursuant to such policies.

83 Sec. 4. Subsections (b) and (c) of section 10a-151b of the general
84 statutes are repealed and the following is substituted in lieu thereof
85 (*Effective July 1, 2017*):

86 (b) [Purchases] Except as provided in subsection (c) of this section,
87 purchases made pursuant to this section shall be based, when possible,
88 on competitive bids or competitive negotiation. Such chief executive
89 officer shall solicit competitive bids or proposals by sending notice to
90 prospective suppliers and by posting notice on a public bulletin board
91 in such officer's office. Such notice shall contain a notice of state
92 contract requirements pursuant to section 4a-60. Each bid or proposal
93 shall be kept sealed until opened publicly at the time stated in the
94 notice soliciting such bid or proposal. Sealed bids or proposals shall
95 include bids or proposals sealed within an envelope or maintained
96 within a safe and secure electronic environment until such time as they
97 are publicly opened. If the amount of the expenditure is estimated to
98 exceed fifty thousand dollars, not later than five calendar days before
99 the final date of submitting competitive bids or proposals, competitive
100 bids or proposals shall be solicited by public notice posted on the
101 Internet. All purchases fifty thousand dollars or less in amount shall be
102 made in the open market, but shall, when possible, be based on at least
103 three competitive quotations. If desired by the constituent unit,
104 competitive quotations may include quotations submitted to the
105 constituent unit within a safe and secure electronic environment. The
106 constituent unit shall not refuse to consider a bid, proposal or
107 quotation because it is not submitted electronically.

108 (c) [Notwithstanding the provisions of subsection (b) of this section,

109 competitive] Competitive bidding or competitive negotiation is not
110 required in the case of (1) minor purchases of ten thousand dollars or
111 less in amount, (2) purchases made pursuant to subsection (k) of this
112 section, (3) emergency purchases, [or] (4) agricultural purchases of
113 dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs,
114 fruits, vegetables or other farm products in an amount of fifty
115 thousand dollars or less, or (5) a qualified contract, as described in
116 subdivision (1) of subsection (b) of section 2 of this act, that is entered
117 into pursuant to the policies adopted by either the Board of Trustees of
118 The University of Connecticut or the Board of Regents for Higher
119 Education pursuant to section 3 of this act. Whenever an emergency
120 exists by reason of extraordinary conditions or contingencies that
121 could not reasonably be foreseen and guarded against, or because of
122 unusual trade or market conditions, the chief executive officer may, if
123 it is for the best interest of the state, make purchases without
124 competitive bidding. A statement of all emergency purchases made
125 under the provisions of this subsection shall be set forth in the annual
126 report of the chief executive officer. The chief executive officer, when
127 making an agricultural purchase in accordance with subdivision (4) of
128 this subsection, shall give preference to dairy products, poultry, farm-
129 raised seafood, beef, pork, lamb, eggs, fruits, vegetables or other farm
130 products grown or produced in this state when such products, poultry,
131 farm-raised seafood, beef, pork, lamb, eggs, fruits or vegetables are
132 comparable in cost to other dairy products, poultry, eggs, fruits or
133 vegetables being considered for purchase by the chief executive officer
134 that have not been grown or produced in this state.

135 Sec. 5. Section 1-101qq of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective July 1, 2017*):

137 (a) [A] Except as provided in section 2 of this act, a state agency or
138 institution or quasi-public agency that is seeking a contractor for a
139 large state construction or procurement contract shall provide the
140 summary of state ethics laws developed by the Office of State Ethics
141 pursuant to section 1-81b to any person seeking a large state
142 construction or procurement contract. Such person shall affirm to the

143 agency or institution, in writing or electronically, (1) receipt of such
144 summary, and (2) that key employees of such person have read and
145 understand the summary and agree to comply with the provisions of
146 state ethics law. After the initial submission of such affirmation, such
147 person shall not be required to resubmit such affirmation unless there
148 is a change in the information contained in the affirmation. If there is
149 any change in the information contained in the most recently filed
150 affirmation, such person shall submit an updated affirmation either
151 (A) not later than thirty days after the effective date of any such
152 change, or (B) upon the submittal of any new bid or proposal,
153 whichever is earlier. No state agency or institution or quasi-public
154 agency shall accept a bid or proposal for a large state construction or
155 procurement contract without such affirmation.

156 (b) [Prior] Except as provided in section 2 of this act, prior to
157 entering into a contract with any subcontractors or consultants, each
158 large state construction or procurement contractor shall (1) provide the
159 summary of state ethics laws described in subsection (a) of this section
160 to all subcontractors and consultants, and (2) obtain an affirmation
161 from each subcontractor and consultant that such subcontractor and
162 consultant has received such summary and key employees of such
163 subcontractor and consultant have read and understand the summary
164 and agree to comply with its provisions. The contractor shall provide
165 such affirmations to the state agency, institution or quasi-public
166 agency not later than fifteen days after the request of such agency,
167 institution or quasi-public agency for such affirmation. Failure to
168 submit such affirmations in a timely manner shall be cause for
169 termination of the large state construction or procurement contract.

170 (c) Each contract with a contractor, subcontractor or consultant
171 described in subsection (a) or (b) of this section shall incorporate such
172 summary by reference as a part of the contract terms.

173 Sec. 6. Section 4-252 of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective July 1, 2017*):

175 (a) [On] Except as provided in section 2 of this act, on and after July
176 1, 2006, no state agency or quasi-public agency shall execute a large
177 state contract unless the state agency or quasi-public agency obtains
178 the written or electronic certification described in this section. Each
179 such certification shall be sworn as true to the best knowledge and
180 belief of the person signing the certification, subject to the penalties of
181 false statement. If there is any change in the information contained in
182 the most recently filed certification, such person shall submit an
183 updated certification either (1) not later than thirty days after the
184 effective date of any such change, or (2) upon the submittal of any new
185 bid or proposal for a large state contract, whichever is earlier. Such
186 person shall also submit to the state agency or quasi-public agency an
187 accurate, updated certification not later than fourteen days after the
188 twelve-month anniversary of the most recently filed certification or
189 updated certification.

190 (b) The official or employee of such state agency or quasi-public
191 agency who is authorized to execute state contracts shall certify that
192 the selection of the most qualified or highest ranked person, firm or
193 corporation was not the result of collusion, the giving of a gift or the
194 promise of a gift, compensation, fraud or inappropriate influence from
195 any person.

196 (c) Any principal or key personnel of the person, firm or corporation
197 submitting a bid or proposal for a large state contract shall certify:

198 (1) That no gifts were made by (A) such person, firm, corporation,
199 (B) any principals and key personnel of the person, firm or
200 corporation, who participate substantially in preparing bids, proposals
201 or negotiating state contracts, or (C) any agent of such person, firm,
202 corporation or principals and key personnel, who participates
203 substantially in preparing bids, proposals or negotiating state
204 contracts, to (i) any public official or state employee of the state agency
205 or quasi-public agency soliciting bids or proposals for state contracts,
206 who participates substantially in the preparation of bid solicitations or
207 requests for proposals for state contracts or the negotiation or award of

208 state contracts, or (ii) any public official or state employee of any other
209 state agency, who has supervisory or appointing authority over such
210 state agency or quasi-public agency;

211 (2) That no such principals and key personnel of the person, firm or
212 corporation, or agent of such person, firm or corporation or principals
213 and key personnel, knows of any action by the person, firm or
214 corporation to circumvent such prohibition on gifts by providing for
215 any other principals and key personnel, official, employee or agent of
216 the person, firm or corporation to provide a gift to any such public
217 official or state employee; and

218 (3) That the person, firm or corporation is submitting bids or
219 proposals without fraud or collusion with any person.

220 (d) Any bidder or proposer that does not make the certification
221 required under this section shall be disqualified and the state agency
222 or quasi-public agency shall award the contract to the next highest
223 ranked proposer or the next lowest responsible qualified bidder or
224 seek new bids or proposals.

225 (e) Each state agency and quasi-public agency shall include in the
226 bid specifications or request for proposals for a large state contract a
227 notice of the certification requirements of this section.

228 Sec. 7. Section 4a-60 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective July 1, 2017*):

230 (a) [Every] Except as provided in section 9 of this act, every contract
231 to which an awarding agency is a party, every quasi-public agency
232 project contract and every municipal public works contract shall
233 contain the following provisions:

234 (1) The contractor agrees and warrants that in the performance of
235 the contract such contractor will not discriminate or permit
236 discrimination against any person or group of persons on the grounds
237 of race, color, religious creed, age, marital status, national origin,

238 ancestry, sex, gender identity or expression, intellectual disability,
239 mental disability or physical disability, including, but not limited to,
240 blindness, unless it is shown by such contractor that such disability
241 prevents performance of the work involved, in any manner prohibited
242 by the laws of the United States or of the state of Connecticut; and the
243 contractor further agrees to take affirmative action to insure that
244 applicants with job-related qualifications are employed and that
245 employees are treated when employed without regard to their race,
246 color, religious creed, age, marital status, national origin, ancestry, sex,
247 gender identity or expression, intellectual disability, mental disability
248 or physical disability, including, but not limited to, blindness, unless it
249 is shown by such contractor that such disability prevents performance
250 of the work involved;

251 (2) The contractor agrees, in all solicitations or advertisements for
252 employees placed by or on behalf of the contractor, to state that it is an
253 "affirmative action-equal opportunity employer" in accordance with
254 regulations adopted by the Commission on Human Rights and
255 Opportunities;

256 (3) The contractor agrees to provide each labor union or
257 representative of workers with which such contractor has a collective
258 bargaining agreement or other contract or understanding and each
259 vendor with which such contractor has a contract or understanding, a
260 notice to be provided by the Commission on Human Rights and
261 Opportunities advising the labor union or workers' representative of
262 the contractor's commitments under this section, and to post copies of
263 the notice in conspicuous places available to employees and applicants
264 for employment;

265 (4) The contractor agrees to comply with each provision of this
266 section and sections 46a-68e and 46a-68f and with each regulation or
267 relevant order issued by said commission pursuant to sections 46a-56,
268 46a-68e, 46a-68f and 46a-86; and

269 (5) The contractor agrees to provide the Commission on Human

270 Rights and Opportunities with such information requested by the
271 commission, and permit access to pertinent books, records and
272 accounts, concerning the employment practices and procedures of the
273 contractor as relate to the provisions of this section and section 46a-56.

274 (b) If the contract is a public works contract, municipal public works
275 contract or contract for a quasi-public agency project, the contractor
276 agrees and warrants that he or she will make good faith efforts to
277 employ minority business enterprises as subcontractors and suppliers
278 of materials on such public works or quasi-public agency project.

279 (c) Except as provided in section 9 of this act: (1) Any contractor
280 who has one or more contracts with an awarding agency or who is a
281 party to a municipal public works contract or a contract for a quasi-
282 public agency project, where any such contract is valued at less than
283 fifty thousand dollars for each year of the contract, shall provide the
284 awarding agency, or in the case of a municipal public works or quasi-
285 public agency project contract, the Commission on Human Rights and
286 Opportunities, with a written or electronic representation that
287 complies with the nondiscrimination agreement and warranty under
288 subdivision (1) of subsection (a) of this section, provided if there is any
289 change in such representation, the contractor shall provide the
290 updated representation to the awarding agency or commission not
291 later than thirty days after such change.

292 (2) Any contractor who has one or more contracts with an awarding
293 agency or who is a party to a municipal public works contract or a
294 contract for a quasi-public agency project, where any such contract is
295 valued at fifty thousand dollars or more for any year of the contract,
296 shall provide the awarding agency, or in the case of a municipal public
297 works or quasi-public agency project contract, the Commission on
298 Human Rights and Opportunities, with any one of the following:

299 (A) Documentation in the form of a company or corporate policy
300 adopted by resolution of the board of directors, shareholders,
301 managers, members or other governing body of such contractor that

302 complies with the nondiscrimination agreement and warranty under
303 subdivision (1) of subsection (a) of this section;

304 (B) Documentation in the form of a company or corporate policy
305 adopted by a prior resolution of the board of directors, shareholders,
306 managers, members or other governing body of such contractor if (i)
307 the prior resolution is certified by a duly authorized corporate officer
308 of such contractor to be in effect on the date the documentation is
309 submitted, and (ii) the head of the awarding agency, or a designee, or
310 in the case of a municipal public works or quasi-public agency project
311 contract, the executive director of the Commission on Human Rights
312 and Opportunities or a designee, certifies that the prior resolution
313 complies with the nondiscrimination agreement and warranty under
314 subdivision (1) of subsection (a) of this section; or

315 (C) Documentation in the form of an affidavit signed under penalty
316 of false statement by a chief executive officer, president, chairperson or
317 other corporate officer duly authorized to adopt company or corporate
318 policy that certifies that the company or corporate policy of the
319 contractor complies with the nondiscrimination agreement and
320 warranty under subdivision (1) of subsection (a) of this section and is
321 in effect on the date the affidavit is signed.

322 (3) No awarding agency, or in the case of a municipal public works
323 contract, no municipality, or in the case of a quasi-public agency
324 project contract, no entity, shall award a contract to a contractor who
325 has not provided the representation or documentation required under
326 subdivisions (1) and (2) of this subsection, as applicable. After the
327 initial submission of such representation or documentation, the
328 contractor shall not be required to resubmit such representation or
329 documentation unless there is a change in the information contained in
330 such representation or documentation. If there is any change in the
331 information contained in the most recently filed representation or
332 updated documentation, the contractor shall submit an updated
333 representation or documentation, as applicable, either (A) not later
334 than thirty days after the effective date of such change, or (B) upon the

335 execution of a new contract with the awarding agency, municipality or
336 entity, as applicable, whichever is earlier. Such contractor shall also
337 certify, in accordance with subparagraph (B) or (C) of subdivision (2)
338 of this subsection, to the awarding agency or commission, as
339 applicable, not later than fourteen days after the twelve-month
340 anniversary of the most recently filed representation, documentation
341 or updated representation or documentation, that the representation
342 on file with the awarding agency or commission, as applicable, is
343 current and accurate.

344 (d) For the purposes of this section, "contract" includes any
345 extension or modification of the contract, "contractor" includes any
346 successors or assigns of the contractor, "marital status" means being
347 single, married as recognized by the state of Connecticut, widowed,
348 separated or divorced, and "mental disability" means one or more
349 mental disorders, as defined in the most recent edition of the American
350 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
351 Disorders", or a record of or regarding a person as having one or more
352 such disorders. For the purposes of this section, "contract" does not
353 include a contract where each contractor is (1) a political subdivision of
354 the state, including, but not limited to, a municipality, unless the
355 contract is a municipal public works contract or quasi-public agency
356 project contract, (2) any other state, as defined in section 1-267, (3) the
357 federal government, (4) a foreign government, or (5) an agency of a
358 subdivision, state or government described in subdivision (1), (2), (3)
359 or (4) of this subsection.

360 (e) For the purposes of this section, "minority business enterprise"
361 means any small contractor or supplier of materials fifty-one per cent
362 or more of the capital stock, if any, or assets of which is owned by a
363 person or persons: (1) Who are active in the daily affairs of the
364 enterprise, (2) who have the power to direct the management and
365 policies of the enterprise, and (3) who are members of a minority, as
366 such term is defined in subsection (a) of section 32-9n; and "good faith"
367 means that degree of diligence which a reasonable person would
368 exercise in the performance of legal duties and obligations. "Good faith

369 efforts" shall include, but not be limited to, those reasonable initial
370 efforts necessary to comply with statutory or regulatory requirements
371 and additional or substituted efforts when it is determined that such
372 initial efforts will not be sufficient to comply with such requirements.

373 (f) Determination of the contractor's good faith efforts shall include,
374 but shall not be limited to, the following factors: The contractor's
375 employment and subcontracting policies, patterns and practices;
376 affirmative advertising, recruitment and training; technical assistance
377 activities and such other reasonable activities or efforts as the
378 Commission on Human Rights and Opportunities may prescribe that
379 are designed to ensure the participation of minority business
380 enterprises in public works projects.

381 (g) The contractor shall develop and maintain adequate
382 documentation, in a manner prescribed by the Commission on Human
383 Rights and Opportunities, of its good faith efforts.

384 (h) The contractor shall include the provisions of subsections (a) and
385 (b) of this section in every subcontract or purchase order entered into
386 in order to fulfill any obligation of a contract with the state, and in
387 every subcontract entered into in order to fulfill any obligation of a
388 municipal public works contract or contract for a quasi-public agency
389 project, and such provisions shall be binding on a subcontractor,
390 vendor or manufacturer, unless exempted by regulations or orders of
391 the Commission on Human Rights and Opportunities. The contractor
392 shall take such action with respect to any such subcontract or purchase
393 order as the commission may direct as a means of enforcing such
394 provisions, including sanctions for noncompliance in accordance with
395 section 46a-56; provided, if such contractor becomes involved in, or is
396 threatened with, litigation with a subcontractor or vendor as a result of
397 such direction by the commission regarding a state contract, the
398 contractor may request the state of Connecticut to enter into any such
399 litigation or negotiation prior thereto to protect the interests of the
400 state and the state may so enter.

401 Sec. 8. Section 4a-60a of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective July 1, 2017*):

403 (a) [Every] Except as provided in section 9 of this act, every contract
404 to which an awarding agency is a party, every contract for a quasi-
405 public agency project and every municipal public works contract shall
406 contain the following provisions:

407 (1) The contractor agrees and warrants that in the performance of
408 the contract such contractor will not discriminate or permit
409 discrimination against any person or group of persons on the grounds
410 of sexual orientation, in any manner prohibited by the laws of the
411 United States or of the state of Connecticut, and that employees are
412 treated when employed without regard to their sexual orientation;

413 (2) The contractor agrees to provide each labor union or
414 representative of workers with which such contractor has a collective
415 bargaining agreement or other contract or understanding and each
416 vendor with which such contractor has a contract or understanding, a
417 notice to be provided by the Commission on Human Rights and
418 Opportunities advising the labor union or workers' representative of
419 the contractor's commitments under this section, and to post copies of
420 the notice in conspicuous places available to employees and applicants
421 for employment;

422 (3) The contractor agrees to comply with each provision of this
423 section and with each regulation or relevant order issued by said
424 commission pursuant to section 46a-56; and

425 (4) The contractor agrees to provide the Commission on Human
426 Rights and Opportunities with such information requested by the
427 commission, and permit access to pertinent books, records and
428 accounts, concerning the employment practices and procedures of the
429 contractor which relate to the provisions of this section and section
430 46a-56.

431 (b) Except as provided in section 9 of this act: (1) Any contractor

432 who has one or more contracts with an awarding agency or who is a
433 party to a municipal public works contract or a contract for a quasi-
434 public agency project, where any such contract is valued at less than
435 fifty thousand dollars for each year of the contract, shall provide the
436 awarding agency, or in the case of a municipal public works or quasi-
437 public agency project contract, the Commission on Human Rights and
438 Opportunities, with a written representation that complies with the
439 nondiscrimination agreement and warranty under subdivision (1) of
440 subsection (a) of this section.

441 (2) Any contractor who has one or more contracts with an awarding
442 agency or who is a party to a municipal public works contract or a
443 contract for a quasi-public agency project, where any such contract is
444 valued at fifty thousand dollars or more for any year of the contract,
445 shall provide such awarding agency, or in the case of a municipal
446 public works or quasi-public agency project contract, the Commission
447 on Human Rights and Opportunities, with any of the following:

448 (A) Documentation in the form of a company or corporate policy
449 adopted by resolution of the board of directors, shareholders,
450 managers, members or other governing body of such contractor that
451 complies with the nondiscrimination agreement and warranty under
452 subdivision (1) of subsection (a) of this section;

453 (B) Documentation in the form of a company or corporate policy
454 adopted by a prior resolution of the board of directors, shareholders,
455 managers, members or other governing body of such contractor if (i)
456 the prior resolution is certified by a duly authorized corporate officer
457 of such contractor to be in effect on the date the documentation is
458 submitted, and (ii) the head of the awarding agency, or a designee, or
459 in the case of a municipal public works or quasi-public agency project
460 contract, the executive director of the Commission on Human Rights
461 and Opportunities or a designee, certifies that the prior resolution
462 complies with the nondiscrimination agreement and warranty under
463 subdivision (1) of subsection (a) of this section; or

464 (C) Documentation in the form of an affidavit signed under penalty
465 of false statement by a chief executive officer, president, chairperson or
466 other corporate officer duly authorized to adopt company or corporate
467 policy that certifies that the company or corporate policy of the
468 contractor complies with the nondiscrimination agreement and
469 warranty under subdivision (1) of subsection (a) of this section and is
470 in effect on the date the affidavit is signed.

471 (3) No awarding agency, or in the case of a municipal public works
472 contract, no municipality, or in the case of a quasi-public agency
473 project contract, no entity, shall award a contract to a contractor who
474 has not provided the representation or documentation required under
475 subdivisions (1) and (2) of this subsection, as applicable. After the
476 initial submission of such representation or documentation, the
477 contractor shall not be required to resubmit such representation or
478 documentation unless there is a change in the information contained in
479 such representation or documentation. If there is any change in the
480 information contained in the most recently filed representation or
481 updated documentation, the contractor shall submit an updated
482 representation or documentation, as applicable, either (A) not later
483 than thirty days after the effective date of such change, or (B) upon the
484 execution of a new contract with the awarding agency, municipality,
485 or entity, as applicable, whichever is earlier. Such contractor shall also
486 certify, in accordance with subparagraph (B) or (C) of subdivision (2)
487 of this subsection, to the awarding agency or commission, as
488 applicable, not later than fourteen days after the twelve-month
489 anniversary of the most recently filed representation, documentation
490 or updated representation or documentation, that the representation
491 on file with the awarding agency or commission, as applicable, is
492 current and accurate.

493 (4) For the purposes of this section, "contract" includes any
494 extension or modification of the contract, and "contractor" includes any
495 successors or assigns of the contractor. For the purposes of this section,
496 "contract" does not include a contract where each contractor is (A) a
497 political subdivision of the state, including, but not limited to, a

498 municipality, unless the contract is a municipal public works contract
499 or quasi-public agency project contract, (B) any other state, as defined
500 in section 1-267, (C) the federal government, (D) a foreign government,
501 or (E) an agency of a subdivision, state or government described in
502 subparagraph (A), (B), (C) or (D) of this subdivision.

503 (c) The contractor shall include the provisions of subsection (a) of
504 this section in every subcontract or purchase order entered into in
505 order to fulfill any obligation of a contract with the state, and in every
506 subcontract entered into in order to fulfill any obligation of a
507 municipal public works contractor contract for a quasi-public agency
508 project, and such provisions shall be binding on a subcontractor,
509 vendor or manufacturer unless exempted by regulations or orders of
510 the Commission on Human Rights and Opportunities. The contractor
511 shall take such action with respect to any such subcontract or purchase
512 order as the commission may direct as a means of enforcing such
513 provisions, including sanctions for noncompliance in accordance with
514 section 46a-56; provided, if such contractor becomes involved in, or is
515 threatened with, litigation with a subcontractor or vendor as a result of
516 such direction by the commission regarding a state contract, the
517 contractor may request the state of Connecticut to enter into any such
518 litigation or negotiation prior thereto to protect the interests of the
519 state and the state may so enter.

520 Sec. 9. (NEW) (*Effective July 1, 2017*) (a) Any qualified contract
521 described in subdivision (1) of subsection (b) of section 2 of this act,
522 and any revenue contract or nonmonetary contract that is not a
523 qualified contract, as such terms are defined in section 2 of this act, that
524 is entered into or amended on or after July 1, 2017, by the chief
525 executive officer of the Board of Regents for Higher Education or the
526 chief executive officer of an institution within the jurisdiction of the
527 Board of Regents for Higher Education shall not be required to comply
528 with the provisions of subsection (c) of section 4a-60 of the general
529 statutes, as amended by this act, or subsection (b) of section 4a-60a of
530 the general statutes, as amended by this act, and may contain the
531 following provision in lieu of setting forth the full text of subdivisions

532 (1) to (5), inclusive, of subsection (a) of section 4a-60 of the general
533 statutes, as amended by this act, and of subdivisions (1) to (4),
534 inclusive, of subsection (a) of section 4a-60a of the general statutes, as
535 amended by this act: "The Board of Regents for Higher Education
536 agrees to not knowingly conduct business with any contractor that
537 discriminates against any person on the basis of race, color, religious
538 creed, age, marital status, national origin, ancestry, sex, gender identity
539 or expression, sexual orientation, intellectual disability, mental
540 disability or physical disability, including, but not limited to,
541 blindness, unless it is shown by such contractor that such disability
542 prevents performance of the work involved, pursuant to sections 4a-60
543 and 4a-60a of the Connecticut General Statutes. The parties agree to
544 comply with all federal and state of Connecticut nondiscrimination
545 laws, including, but not limited to, sections 4a-60 and 4a-60a of the
546 Connecticut General Statutes."

547 (b) Any qualified contract described in subdivision (1) of subsection
548 (b) of section 2 of this act, and any revenue contract or nonmonetary
549 contract that is not a qualified contract, as such terms are defined in
550 section 2 of this act, that is entered into or amended on or after July 1,
551 2017, by the chief executive officer of The University of Connecticut
552 shall not be required to comply with the provisions of subsection (c) of
553 section 4a-60 of the general statutes, as amended by this act, or
554 subsection (b) of section 4a-60a of the general statutes, as amended by
555 this act, and may contain the following provision in lieu of setting
556 forth the full text of subdivisions (1) to (5), inclusive, of subsection (a)
557 of section 4a-60 of the general statutes, as amended by this act, and
558 subdivisions (1) to (4), inclusive, of subsection (a) of section 4a-60a of
559 the general statutes, as amended by this act: "The University of
560 Connecticut agrees to not knowingly conduct business with any
561 contractor that discriminates against any person on the basis of race,
562 color, religious creed, age, marital status, national origin, ancestry, sex,
563 gender identity or expression, sexual orientation, intellectual disability,
564 mental disability or physical disability, including, but not limited to,
565 blindness, unless it is shown by such contractor that such disability

566 prevents performance of the work involved, pursuant to sections 4a-60
567 and 4a-60a of the Connecticut General Statutes. The parties agree to
568 comply with all federal and state of Connecticut nondiscrimination
569 laws, including, but not limited to, sections 4a-60 and 4a-60a of the
570 Connecticut General Statutes."

571 Sec. 10. Section 4a-81 of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective July 1, 2017*):

573 (a) [No] Except as provided in section 2 of this act, no state agency
574 or quasi-public agency shall execute a contract for the purchase of
575 goods or services, which contract has a total value to the state of fifty
576 thousand dollars or more in any calendar or fiscal year, unless the state
577 agency or quasi-public agency obtains the affidavit described in
578 subsection (b) of this section.

579 (b) (1) Any principal or key personnel of a person, firm or
580 corporation who submit bids or proposals for a contract described in
581 subsection (a) of this section shall attest in an affidavit as to whether
582 any consulting agreement has been entered into in connection with
583 any such contract. Such affidavit shall be required if any duties of the
584 consultant included communications concerning business of a state or
585 quasi-public agency, whether or not direct contact with a state agency,
586 state or public official or state employee was expected or made. As
587 used in this section, "consulting agreement" means any written or oral
588 agreement to retain the services, for a fee, of a consultant for the
589 purposes of (A) providing counsel to a contractor, vendor, consultant
590 or other entity seeking to conduct, or conducting, business with the
591 state, (B) contacting, whether in writing or orally, any executive,
592 judicial, or administrative office of the state, including any department,
593 institution, bureau, board, commission, authority, official or employee
594 for the purpose of solicitation, dispute resolution, introduction,
595 requests for information, or (C) any other similar activity related to
596 such contracts. "Consulting agreement" does not include any
597 agreements entered into with a consultant who is registered under the
598 provisions of chapter 10 as of the date such affidavit is submitted in

599 accordance with the provisions of this section.

600 (2) Such affidavit shall be sworn as true to the best knowledge and
601 belief of the person signing the certification on the affidavit and shall
602 be subject to the penalties of false statement.

603 (3) Such affidavit shall include the following information for each
604 consulting agreement listed: The name of the consultant, the
605 consultant's firm, the basic terms of the consulting agreement, a brief
606 description of the services provided, and an indication as to whether
607 the consultant is a former state employee or public official. If the
608 consultant is a former state employee or public official, such affidavit
609 shall indicate his or her former agency and the date such employment
610 terminated.

611 (4) After the initial submission of such affidavit, the principal or key
612 personnel of the person, firm or corporation shall not be required to
613 resubmit such affidavit unless there is a change in the information
614 contained in such affidavit. If there is any change in the information
615 contained in the most recently filed affidavit required under this
616 section, the principal or key personnel of a person, firm or corporation
617 who submit bids or proposals for a contract described in subsection (a)
618 of this section shall submit an updated affidavit either (A) not later
619 than thirty days after the effective date of any such change, or (B) upon
620 the submittal of any new bid or proposal, whichever is earlier.

621 (c) Each state agency and quasi-public agency shall include a notice
622 of the affidavit requirements of this section in the bid specifications or
623 request for proposals for any contract that is described in subsection
624 (a) of this section.

625 (d) [In the event that] If a bidder or vendor refuses to submit the
626 affidavit required under subsection (b) of this section, such bidder or
627 vendor shall be disqualified and the state agency or quasi-public
628 agency shall award the contract to the next highest ranked vendor or
629 the next lowest responsible qualified bidder or seek new bids or
630 proposals."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2018</i>	New section
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	New section
Sec. 4	<i>July 1, 2017</i>	10a-151b(b) and (c)
Sec. 5	<i>July 1, 2017</i>	1-101qq
Sec. 6	<i>July 1, 2017</i>	4-252
Sec. 7	<i>July 1, 2017</i>	4a-60
Sec. 8	<i>July 1, 2017</i>	4a-60a
Sec. 9	<i>July 1, 2017</i>	New section
Sec. 10	<i>July 1, 2017</i>	4a-81